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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,956	02/05/2004	Donald Lee Andruska	LUC-428/Andruska 16	5300
47382 7590 06/25/2007 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER YUN, EUGENE	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/772,956

Applicant(s)

ANDRUSKA, DONALD LEE

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Squibb (WO 85/05745).

Referring to Claim 1, Squibb teaches a method, comprising the steps of:

encoding a first message through employment of an outbound-message code division multiple access (CDMA) code to create an encoded outbound first message (see last 3 lines of pg. 13);

sending the encoded outbound first message over a single, shared wireline path and contemporaneously receiving an encoded inbound second message over the single, shared wireline path (see last 5 lines of pg. 11 to first 11 lines of pg. 12); and

decoding the encoded inbound second message through employment of an inbound-message CDMA code (see lines 2-11 on pg. 11).

Referring to Claim 13, Squibb teaches an apparatus, comprising: a first network component coupled with one or more additional network components that sends a first message encoded through employment of a first CDMA code (see last 3 lines of pg. 13), of a plurality of CDMA codes, over a single, shared wireline path to one of the one or more additional network components and contemporaneously receives a second

message encoded through employment of a second CDMA code (see last 5 lines of pg. 11 to first 11 lines of pg. 12), of the plurality of CDMA codes, over the single, shared wireline path from one of the one or more additional network components (see lines 2-11 on pg. 11).

Referring to Claim 19, Squibb teaches an article, comprising:

one or more computer-readable signal-bearing media (see ABSTRACT); and  
means in the one or more media for encoding a first message through employment of an outbound-message code division multiple access (CDMA) code to create an encoded outbound first message (see last 3 lines of pg. 13);

means in the one or more media for sending the encoded outbound first message over a single, shared wireline path and contemporaneously receiving an encoded inbound second message over the single, shared wireline path (see last 5 lines of pg. 11 to first 11 lines of pg. 12); and

means in the one or more media for decoding the encoded inbound second message through employment of an inbound-message CDMA code (see lines 2-11 on pg. 11).

Referring to Claim 2, Squibb also teaches encoding a third message through employment of the outbound-message CDMA code to create an encoded outbound third message that comprises a replacement outbound-message CDMA code (see pg. 12, lines 7-20); and

Sending the encoded outbound third message over the single, shared wireline path to request a replacement of the outbound-message CDMA code by the

replacement outbound-message CDMA code to increase communication security of one or more additional outbound messages (see pg. 12, lines 7-20).

Referring to Claim 3, Squibb also teaches receiving an encoded inbound fourth message over the single, shared wireline path; decoding the encoded inbound fourth message through employment of the inbound-message CDMA code to obtain a replacement inbound-message CDMA code; and replacing the inbound-message CDMA code by the replacement inbound-message CDMA code to increase communication security of one or more additional inbound messages (see pg. 12, lines 7-20 noting that the process can be repeated).

Referring to Claim 4, Squibb also teaches encoding the outbound fifth message through employment of the replacement outbound-message CDMA code to create an encoded outbound fifth message; sending the encoded outbound fifth message over the single, shared wireline path and contemporaneously receiving an encoded inbound sixth message over the single, shared wireline path; and decoding the encoded inbound sixth message through employment of the replacement inbound-message CDMA code to obtain an inbound sixth message, wherein the one or more additional inbound messages comprise the inbound sixth message (see pg. 12, lines 7-20 noting that the process can be repeated).

Referring to Claim 5, Squibb also teaches sending the encoded outbound first message over the single, shared wireline path at the end of a pre-determined time interval; and receiving the encoded inbound second message over the single, shared

wireline path at the end of the pre-determined time interval (see last line of pg. 3 to line 15 of pg. 3).

Referring to Claim 6, Squibb also teaches encoding a third message through employment of a first control CDMA code to create an outbound encoded third message that comprises an replacement outbound-message CDMA code; and sending the outbound encoded third message over the single, shared wireline path to request a replacement of the outbound-message CDMA by the replacement outbound-message CDMA code to increase communication security of one or more additional outbound messages (see pg. 12, lines 7-20 noting that the process can be repeated).

Referring to Claim 7, Squibb also teaches receiving an encoded inbound fourth message over the single, shared wireline path; decoding the encoded inbound fourth message through employment of a second control CDMA code to obtain a replacement inbound-message CDMA code; and replacing the inbound-message CDMA code by the replacement inbound-message CDMA code to increase communication security of one or more additional inbound messages (see pg. 12, lines 7-20 noting that the process can be repeated).

Referring to Claim 8, Squibb also teaches managing allocation of the plurality of CDMA codes through employment of the first control CDMA code and the second control CDMA code, wherein the first control CDMA code and the second control CDMA code indicate that the encoded outbound third message and the encoded inbound fourth message comprise management messages (see last 10 lines of pg. 14).

Referring to Claim 9, Squibb also teaches sending the encoded outbound first message over the single, shared wireline path to a network component of a sending and receiving pair; and receiving the encoded inbound second message over the single, shared wireline path from the network component of the sending and receiving pair (see last 5 lines of pg. 11 to first 11 lines of pg. 12).

Referring to Claim 10, Squibb also teaches sending one or more encoded outbound messages over the single, shared wireline path to a respective first one or more network components; and receiving one or more encoded inbound messages over the single, shared wireline path from a respective second one or more network components (see last 5 lines of pg. 11 to first 11 lines of pg. 12); wherein the step of decoding the encoded inbound second message through employment of the inbound-message CDMA code comprises the step of:  
decoding the one or more encoded inbound messages through employment of a respective second one or more inbound-message CDMA codes (see lines 2-11 on pg. 11).

Referring to Claim 11, Squibb also teaches preventing a collision of the encoded outbound first message and the encoded inbound second message by encoding the encoded outbound first message through employment of the outbound-message CDMA code and decoding the encoded inbound second message through employment of the inbound-message CDMA code (see last 9 lines of pg. 4).

Referring to Claim 12, Squibb also teaches sending the encoded outbound first message over the single, shared wireline path and simultaneously receiving the

encoded inbound second message over the single, shared wireline path (see last 5 lines of pg. 11 to first 11 lines of pg. 12).

Referring to Claim 14, Squibb also teaches the first network component cooperating with one or more of the one or more additional network components to prevent one or more collisions of a plurality of messages on the single, shared wireline path through employment of one or more of the plurality of CDMA codes, wherein the plurality of messages comprise the first message and the second message (see last 9 lines of pg. 4).

Referring to Claim 15, Squibb also teaches the first network component sending one or more control messages over the single, shared wireline path to the one or more additional network components through employment of one or more control CDMA codes, of the plurality of CDMA codes, to manage communication of a plurality of messages over the single, shared wireline path (see last 5 lines of pg. 11 to first 11 lines of pg. 12).

Referring to Claim 16, Squibb also teaches the first network component sending the first message encoded through employment of the first CDMA code over the single, shared wireline path to a second network component of the one or more additional network components and contemporaneously receives the second message encoded through employment of the second CDMA code over the single, shared wireline path from the second network component (see last 5 lines of pg. 11 to first 11 lines of pg. 12).



Referring to Claim 17, Squibb also teaches the first network component sending the first message encoded through employment of the first CDMA code over the single, shared wireline path to a second network component of the one or more additional network components and contemporaneously receives the second message encoded through employment of the second CDMA code over the single, shared wireline path from a third network component of the one or more additional network components (see last 5 lines of pg. 11 to first 11 lines of pg. 12).

Referring to Claim 18, Squibb also teaches that the first network component encodes a third message to create an encoded third message that comprises a replacement third CDMA code of the plurality of CDMA codes (see pg. 12, lines 7-10);

wherein the first network component sends the encoded third message to the second network component (see pg. 12, lines 11-15);

wherein the second network component decodes the third encoded message through employment of the first CDMA code and replaces the first CDMA code with the replacement third CDMA code (see pg. 12, lines 16-20);

wherein the second network component encodes a fourth message through employment of the second CDMA code to create an encoded fourth message that comprises a replacement fourth CDMA code of the plurality of CDMA codes (see pg. 12, lines 7-10);

wherein the second network component sends the encoded fourth message to the first network component (see pg. 12, lines 11-15);

wherein the first network employment of the second CDMA component decodes the fourth message through code and replaces the second CDMA code with the replacement fourth CDMA code (see pg. 12, lines 16-20 noting that the process can be repeated).

Referring to Claim 20, Squibb also teaches encoding a third message through employment of the outbound-message CDMA code to create an encoded outbound third message that comprises a replacement outbound-message CDMA code (see pg. 12, lines 7-20); and

Sending the encoded outbound third message over the single, shared wireline path to request a replacement of the outbound-message CDMA code by the replacement outbound-message CDMA code to increase communication security of one or more additional outbound messages (see pg. 12, lines 7-20).

receiving an encoded inbound fourth message over the single, shared wireline path; decoding the encoded inbound fourth message through employment of the inbound-message CDMA code to obtain a replacement inbound-message CDMA code; and replacing the inbound-message CDMA code by the replacement inbound-message CDMA code to increase communication security of one or more additional inbound messages (see pg. 12, lines 7-20 noting that the process can be repeated).


### ***Conclusion***

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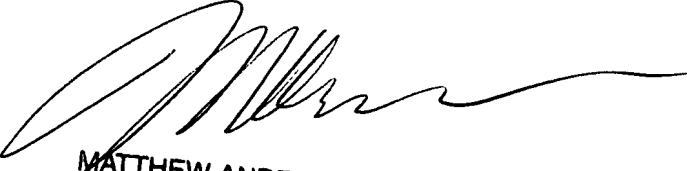
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Eugene Yun  
Examiner  
Art Unit 2618

EY

  
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